

25th January 1949]

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT :—“ I have to announce to the House the following message received from the Hon. the Speaker, Madras Legislative Assembly, dated Fort St. George, the 24th January 1949 :—

‘ In accordance with rule 94 of the Madras Assembly Rules, I transmit a copy of the Madras State Aid to Industries (Amendment) Bill, 1949 (L.A. Bill No. 5 of 1949), as passed by the Assembly on the 24th January 1949, and signed by me for the concurrence of the Council.’ ”

III.—MESSAGE FROM THE GOVERNOR.

MR. PRESIDENT :—“ I have to announce to the House the following message received from His Excellency the Governor of Madras, dated the 7th December 1948 :—

‘ In pursuance of section 82, sub-section (3) of the Government of India Act, 1935, I, Krishnakumarsinhji Bhavsinhji, Governor of Madras, hereby recommend to the Madras Legislative Council the consideration of the Madras State Aid to Industries (Amendment) Bill, 1948.’ ”

IV.—THE MADRAS CITY POLICE AND GAMING (AMENDMENT) BILL, 1948 (L.A. BILL No. 10 OF 1948).

* THE HON. SRI M. BHAKTAVATSALAM :—“ Mr. President, Sir, I move—

‘ that the Madras City Police and Gaming (Amendment) Bill^a, 1948 (L.A. Bill No. 10 of 1948), as passed by the Assembly be taken into consideration at once.’

“ Sir, this Bill seeks to amend the Madras City Police Act and the Madras Gaming Act so as to prevent betting within race enclosures and also to prevent the publication of news of race acceptances, etc., in the newspapers. It was the hon. the ex-Leader of the Opposition who sought to move a Bill to make betting an offence as early as July 1946 but that was not proceeded with because even then, Government had under contemplation the necessary legislation to prevent betting within race enclosures. Since then, Government published their Bill and it was introduced sometime last year in the Assembly and after examination by the Select Committee, some changes were introduced in the Bill by the Select Committee, and the Bill was passed by the Legislative Assembly as approved by the Select Committee, and it is now before this House. It is now really too late in the day to argue in favour of the continuance of betting, although one leading daily newspaper still thought fit to argue that there has been no agitation in favour of abolishing betting and that only a very few are to be affected by the betting in the races and that therefore, this

^a Printed as Appendix II on pages 913-915 infra.

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legislation was unnecessary. But, Sir, even that daily had to admit that it was too late in the day to argue in favour of the continuance of betting because of the Government's determination to undertake legislation to prevent betting. It may be a few that are affected or it may be a large number that are affected. But, I should like to point out that it is the duty of the State to prevent even the few from falling victims to the evils that are existing. Even if it is a few that are affected, we have to realise that the ruination of the few affects society as a whole and therefore, it is in the interests of everyone of us to see that we avoid spreading such evils. We have seen how even the great Yudhishthira fell a victim to gambling, although he had known the injunctions in the scriptures and had the example of the great King Nala before him. He could not avoid the temptation of falling a victim to gambling and thus he ruined himself, and his family and lost his kingdom. Therefore, it is no use arguing that the Government seek to interfere with the individual liberties of the people. As I said, Sir, if an individual falls a victim, ultimately it affects society and therefore, I do not think there will be any serious opposition to a measure of this kind. I rather expect that there would be criticism that we are not bringing into effect the provisions of the Bill immediately on the passing of the Bill. But, I may point out that there are some difficulties in the way of bringing into effect the provisions on the passing of the Bill into law. We seek to bring into effect immediately the provisions relating to the prevention of publication of news of acceptances, etc., in the newspapers. Regarding the abolition of betting, Government seek to take power and they will issue a notification. As I said in the other House, as soon as the Bill is passed into law, Government would take a decision and announce a date when the provisions of the Bill would come into effect. It may also be pointed out that the Government are not against races as such as a sport, and that there may be races without betting. If that is not possible, I can only say that we cannot help it. The Bill seeks to prevent betting and to avoid the evils of betting and if without betting races cannot be conducted, we have to satisfy ourselves without races. With these words, I do commend the provisions of the Bill for the acceptance of this House."

MR. PRESIDENT :—" The question is—

' that the Bill further to amend the Madras City Police Act, 1888 and the Madras Gaming Act, 1930 (L.A. Bill No. 10 of 1948), as passed by the Assembly be taken into consideration at once '."

* SRI R. SURYANARAYANA RAO :—" Mr. President, I feel, Sir, that this is a very curious piece of legislation. I would like to draw the attention of the House that this Bill attempts to change the definition of the word ' gaming ', but the effect of this changed definition is to be given effect to later on by a notification. This, Sir, is a very curious method of achieving the purpose. I can very

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well understand the definition being amended, and another clause introduced to give effect to the whole Bill at such time as the Government think fit to do. Another thing is that while sections 3 and 5 which deal with the publication of news relating to races are to come into effect at once, only the definition has to become effective later on. I am not a lawyer, but I am sure no piece of legislation of this kind will be presented to any House for its adoption.

“ Then, secondly, Sir, let us take clause 3. The proviso says :
‘ Provided further that, in regard to horse-races within the Province of Madras—

(i) any newspaper, or

(ii) any publication which is issued by or under the authority of any race-club empowered in this behalf by the Provincial Government and which is distributed solely within the precincts of such race-club or any race-course connected therewith’

Therefore, Sir, the Provincial Government are empowered to say which race-club can issue the kind of publication relating to races and distribute it. The proviso continues—

‘ may contain such information as may be permitted by rules made by the Provincial Government under sub-section 2.’

Sir, my point in drawing attention to this proviso is that if the Provincial Government are really anxious that there should be no betting on horse-races, let them straightaway pass a legislation. The merit of such a legislation is a different matter. But, to put off abolishing racing and only to control what kind of information can be published by race-clubs, is, to my mind, trying to do something about which they themselves are not quite sure because they have not made up their minds as to when the horse-races should really be abolished.

“ On the question of horse-races, Sir, I am not a race-goer; the first time I went, Sir, you were also there. We went at the invitation of the race-club. Evidently they wanted to educate us in horse-racing! We were all there, but we did not feel the excitement that some of our friends feel.”

MR. PRESIDENT :—“ The hon. Member may speak for himself.”

SRI R. SURYANARAYANA RAO :—“ At any rate, most of us did not feel any excitement. The point for consideration is whether betting is to be abolished, or horse-racing is to be abolished. If horse-racing is to be abolished, it is not within our powers to abolish it. I know, Sir, in the district of South Kanara, buffalo races are very common. It is a pastime enjoyed by the villagers; and there is a certain amount of betting too. In fact no race can take place without a certain amount of betting. To what extent that betting should be allowed is the question. It should be to the extent which will not ruin anybody. However, it is not for the State to legislate in this matter. Under this clause, even buffalo races in South Kanara will become illegal,

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if gaming is to be defined as it is sought to be defined here. Is it necessary to lay down morals to the extent of controlling the conduct of individuals or groups of individuals, as long as their actions do not affect the community? The people who go to races, or take part in these races are few, and they know well what the evil and good effects of such race-going are. But is it contended that indulging in horse-racing and betting are immoral acts? I beg leave to say, Sir, we take upon ourselves too much responsibility to declare any act as moral or immoral. It is the point of view from which we look at a thing, that makes a thing moral or immoral. And the fact that it affects the general good of the community is the thing that perhaps makes an act immoral. I feel sure, though as I said, I am not a horse-race-goer, and I do not think I will ever indulge in betting even if I attend horse-races—that it is not for us to abolish horse-racing altogether. We were shown what are called the first and second enclosures. The first enclosure was for persons who could afford to lose or gain. And those who go into it seem to enjoy the horse-race not only when they gain, but even when they lose. If it is necessary to protect ignorant people who do not understand the evil effects of betting which in some cases may even prove ruinous, why not abolish the second enclosure first, and watch for its effects on public morals, because we are here laying down what morals are good for the public, though we have no right to do so?"

MR. PRESIDENT :—" If I know the Government mind, they seem to be thinking in this line. That is why the legislation is worded in that way."

* SRI R. SURYANARAYANA RAO :—" I am thankful to you for the information you have given. I wish the Government will follow that policy"

MR. PRESIDENT :—" That is why they have taken the right to notify. If the people of the second enclosure are not amenable to reason, then the Government can enforce the provisions of this Bill."

THE HON. SRI M. BHAKTHAVATSALAM :—" I cannot say, Sir, that that is exactly the position we adopt."

DR. V. K. JOHN :—" I am very sorry, Sir, the Hon. Minister does not agree that you know their minds."

MR. PRESIDENT :—" I do not speak for the Hon. Minister."

* SRI R. SURYANARAYANA RAO :—" I would suggest to Government, even if this Bill is passed, as it is sure to be passed, not to abolish immediately horse-racing altogether, but to abolish such enclosures as attract people who cannot afford to bet and lose, then see what effect it has on public morals, and then abolish horse-racing altogether."

" Anyhow, to give effect to a definition later on, while giving effect to substantive provisions which hang on the definition in the

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Act earlier, seems to be a peculiar method of enforcing legislation. With these few words, I suggest to Government to go slow, not to deny amusement to those who seem to find some pleasure in horse-racing and see that they take such action as will remove the temptations to those who cannot afford to lose, and after watching the effect of such action, to abolish horse-racing altogether if it is deemed necessary to do so."

SRI C. N. MUTHURANGA MUDALIYAR :—" Mr. President, Sir, I rise to welcome this measure, though a belated one. We all expected that this Bill should have become law much earlier than now. Of course, my hon. Friend Mr. Suryanarayana Rao advised Government to go slow, but I am advising the Government to move fast. While welcoming this measure, I should like to tell them that they should have brought two sections of the Bill immediately into force, and the others may be left to their sweetwill and pleasure, to be enforced. I must also say that this Bill would have come earlier, but for the fact that the Ministers themselves were not of one mind in this matter. That is why it was so long delayed, and to-day it has seen the light of day, in this upper House. But what guarantee is there that the Ministers should be of one mind even after the passing of this legislation? I am told that the Race Club authorities have asked for one year's time, to wind up their business. That was probably a year ago. If the legislation had been passed then and there, certainly the Government could have given them one year's time, and by now racing would have been abolished. But now, the legislation itself has long been delayed for about a year, and the one year's time that the Race Course authorities asked for winding up their business is already over. According to their own words, they should have wound up their business by now. If they have not, they take the risk themselves. But the Government should not delay any longer; on the other hand, they should bring into effect the provisions of the Bill immediately, as soon as the Bill is passed and receives the assent of the Governor-General. That is all my request to Government.

" I am not a race-goer myself, though I have witnessed some horse-races while I was a student, not the Gundy race, but the races conducted in the Island Grounds where there was no betting, but merely a presentation of cups to the winning horses. That, I think, is a better way of encouraging horse-breeding. If horse-racing is to be abolished, in my opinion, horse-breeding would not suffer. There is no meaning in asking for the abolition of the second enclosure, keeping the first enclosure intact. Let the rich man pay his penalty, and go, we do not mind. That was how we used to say even at the time of the prohibition act: 'Let the rich man drink and become a pauper. We do not mind. It is the poor man that has to be saved, and it is only for that purpose that the Prohibition Act should be administered properly.' Similarly, Sir, we say the same thing now too. My point is that whether a man is rich or poor, horse-racing should be abolished. The Race Course authorities have given lump sums by way of donations at the time of the war, for charitable purposes also, but that is no reason why the bulk of

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the poor man's money should cross the ocean. I do not want the Bill to be delayed any longer; the Bill must be passed immediately, and the Government must give effect to the provisions of the Bill immediately."

* DR. V. K. JOHN :—" Sir, I am obliged to Mr. Muthuranga Mudaliar for the information he has given us that the Ministers themselves are of divided opinions."

THE HON. SRI M. BHAKTAVATSALAM :—" On a point of personal explanation, Sir. I have not given any such information, Sir."

* DR. V. K. JOHN :—" I did not go to the extent of saying that he gave this information to his uncle. But I may say this much, that whenever Mr. Muthuranga Mudaliyar gives any information to us, it can be taken as authoritative."

THE HON. SRI M. BHAKTAVATSALAM :—" I do not accept that Mr. Muthuranga Mudaliyar can speak for the Cabinet."

* DR. V. K. JOHN :—" Now, I am not surprised that there is this difference of opinion among the Ministers in this matter. I am not speaking now as the Leader of the Opposition. I have given free vote to the members of my party, i.e., any one of us can either support or oppose this Bill. I hope Government also may give free vote to the Ministers . . ."

THE HON. DR. T. S. S. RAJAN :—" I may remind the hon. Leader of the Opposition that the Bill before us is a Government Bill."

* DR. V. K. JOHN :—" Even in Government Bills, free vote can be given, but I am not concerned with that just now."

" I consider, Sir, that this Bill is an austerity Bill, which will certainly affect adversely, if not destroy altogether, the industry of horse-breeding. It would also affect adversely amusement and recreation which a very large number of people, particularly Government officers who visit the race course after a hard day or a hard week's work, are having. More than all that, it will affect the revenues of the Government. Just a little while ago, the Education Minister was pleased to tell us in answer to a question put to him, whether the corporation is given sufficient funds to carry on the educational programmes in the City, that they have no funds. Then, Sir, I elicited information from the Hon. Mr. Bhaktavatsalam that the Government will be losing Rs. 25 lakhs a year if this Bill is passed into law. I consider, that this is an enormous amount for the Government to lose, on account of what I consider to be an austerity Bill."

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" Of the Bills introduced by the Government during the last two years a number of them can be classified as piety series Bills and others as control series Bills. The Government want to promote austerity, piety, prayer and penance. They want to prevent people betting on horses and doing acts which in their opinion are objectionable. I would not be surprised if this Government want

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to prohibit football, cricket and other games and amusements also. I am sure before very long they will prevent smoking by adults. Perhaps there is a difference of opinion in the Government on this matter as some Ministers are smokers. Everything must go one after another. (The Hon. Dr. T. S. S. Rajan : ' Even laughing !') Even laughing also as the Hon. the Leader of the House says may be prohibited, although he has advised us to smile our way through life. Sir, there is one great omission in this Bill. Provision should have been made that all these buildings now used for racing should be requisitioned and utilised as prayer halls. All the cardinal virtues must be promoted by prayer, penance and starvation. Even now many starve. We need not do anything for irrigation, but let us pray for rain ! Let these buildings in the race courses be utilized as prayer halls. This omission in the Bill must be rectified."

MR. PRESIDENT :—" Is the hon. Member giving notice of an amendment to that effect? "

* DR. V. K. JOHN :—" No, Sir. No amendment given by me ever got through. Otherwise I would have given notice of an amendment."

" Joking apart, what will be the effect of this Bill? Will it achieve the object the sponsors have in view? You can't have legislation for promoting piety and virtue in people. That must be done by education. By compulsion of law you can't make a man virtuous. I do not consider that betting is a vice, although I do not myself bet and I am not a visitor to the race course either. If you try to promote virtue by legislation, you will never succeed. This so-called vice will go underground. In England in the days of Cromwell, many Bills were passed to make the English nation virtuous, but the people instead of becoming virtuous became vicious. In my opinion, no Government should interfere with the freedom of the individual unless that interference is necessary for the security of the State. It may be that another section of the people may hold very strongly a contrary opinion in the matter, but it is no ground for the Government or the Legislature to pass legislation and enforce on the people what they consider to be virtue or prevent what they consider to be a vice. They will not succeed in their object. Now, Sir, I may assure hon. Members that betting will continue. There must be an army of police officers to hunt out these bucket shops. There may be demoralization among the officers, they may be bribed and won over. There may be demoralization among the public. Sir, this is a matter for the constructive programme of the Congress Party. If the Congress Party are against betting, they must educate the people and persuade them that betting is a vice and should not be indulged in. I strongly protest that the Legislature should be asked to undertake legislation for preventing betting. To-morrow perhaps some Congress members or Ministers may feel that love-making is bad and that boys and girls should not meet before marriage and

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that legislation should be introduced to prevent love-making. Sir, opinions differ. Society grows and virtues also grow as society grows. It is not for us as a Legislature to introduce legislation of this kind, for it will never succeed, but on the other hand it will demoralize society.

“ Sir, it would have been better if the Government had taken the views of people who know something about races and betting. I do not think that the Government have ever taken the opinion of the public as a whole for the introduction of this Bill. Some hon. Members might speak against the Bill here, but if there is a division, they will only vote for it. That is our position. I do not think, Sir, that public opinion in this Province is decidedly against betting in races which encourage horse-breeding industry and contribute to amusement and recreation. Sir, news of the introduction of this legislation here will be flashed throughout the world. The Governments in Britain, America and other countries no doubt want their people to be pious, prayerful, austere and virtuous, but they do not attempt to do it by legislation. When the news of what our Government are doing now is flashed to those civilized countries, they may think that we have gone mad in undertaking legislation like this. Then Sir, why should the Government hit the press? The press ought to be free in a free country, but it is also muzzled. The papers cannot publish news of what is happening. What about the radio? People listen to the news of the Derby and other races broadcast on the radio. Are you going to prevent people listening to the radio news about the races? That will perhaps be another austerity bill, Bill No. 101. We have had already 100 austerity bills and control bills. Sir, we should not try to sit in judgment over the conduct of persons. Racing is only an amusement and a very popular amusement all over the world. To see the Derby races, people wait for the whole night, to get a foot of standing ground. The results of the races are eagerly listened to on the radio. Betting on the races goes on not only in England but all over the world. Millions of people all over the world bet on them and enjoy it. News about the races is given priority. Why? Do you mean to say that the people all over the world—in the United States, in Britain, France, Germany, the Soviet Union—except in South India do not know that race-going and betting is a vice? Sir, people amuse themselves in many ways. At this rate, it might be said that eating is a vice and should be prevented. I expect the Government to bring forward a Bill saying that no man should have more than one meal a day.”

MR. PRESIDENT :—“ You are having it already ! ”

* DR. V. K. JOHN :—“ Because some gentlemen on the other side are satisfied with one meal a day, they may think of legislation to prevent others from eating more than one meal a day.”

MR. PRESIDENT :—“ I am thinking of rationing speeches.”

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* DR. V. K. JOHN :—“ Sir, I protest against this kind of legislation vehemently. You may have differences of opinion about these matters, but just look at the millions and millions of people all over the world who enjoy these things even when they do not actually see the Derby and other races. If we took a very narrow view of these things, people outside are likely to think that we in Madras are doing something which, though it may not be called actual madness, is something near it.”

4 p.m.

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ Mr. President, Sir, I thought that I would not take more than five minutes on this Bill.”

MR. PRESIDENT :—“ That is why I called you to speak.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ Sir, I must now feel satisfied or contented with agreeing to differ from two eminent members, one the Leader of the Party and the other the virtual leader of our Party who spoke against this Bill.”

MR. PRESIDENT :—“ I suppose you have got the freedom to vote.”

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ Sir, we have always got the freedom to vote.

“ You will kindly pardon me if I take a little bit of legitimate pride in having moved a similar Bill in this House. I am thankful to the Government for having brought this measure in a more complete manner. Now, Sir, arguments have been advanced by eminent lawyers as the hon. Leader of the Opposition that this is a sort of relaxation for the public and that the freedom of the individual should not be curbed. I would like to respectfully differ from this sort of argument. If that is the argument, I say the freedom of the individual should be viewed in a comparative sense.”

MR. PRESIDENT :—“ I think you better allow the Hon. Minister to reply to that point. If you have got anything in addition to that, you can say so.”

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ As I have said, I am supporting the Government and not criticising it. This is not a measure for the poor but for the rich. I read from a newspaper sometime ago that an ex-Governor of our Province who became a bankrupt was reported to have said that his bankruptcy was due to racing.”

DR. V. K. JOHN :—“ Only bankruptcy and not ruination.”

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ If bankruptcy is not financial ruination, what else can it be. It is ruination. In this connexion I would like to read one or two sentences from a press cutting published in Melbourne.

You cannot win, you cannot win. Any man who thinks he can is a fool.

This was the opinion expressed by a man who has been a race goer for 20 years. Sir, we are anxious to see that rich people in

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our country do not become paupers and therefore legislation of this kind is absolutely necessary. The poor people can afford to lose money because they cannot afford to lose much. If a poor man goes to race and loses money he will never visit again. If he wants to visit again he will have to take a loan from others. He cannot be getting loans always. Some day or other he will give up the practice of going to races. Sir, it is not a relaxation for the rich people. It is a sort of punishment that is inflicted upon the rich by having this kind of racing in this country. There may be races all over the world. There is drinking all over the world. In America there is drinking. We have drinking in England. Which is the country in the world where people do not drink? But Madras has given a lead. For this, we should be thankful to the Congress Government. Apart from the question of morality involved in it, there is also the financial aspect of it. There is the economic aspect of it. Therefore, let us not feel shy or fight shy of giving leads to the world. We have given a lead in the matter of prohibition. Let us also give a lead in the matter of preventing betting on horse races. Sir, I do not want to dilate upon this point any further as you have rightly pointed out that there is the Government to meet all the points that have been put forth against this Bill. As has been pointed out by my hon. Friend Mr. Muthuranga Mudaliyar this is a belated measure, and I also feel that it ought to have come long, long ago.

“But one thing, I would request the Government. They must announce the date, when racing would be abolished, by way of a notification as early as possible. This is absolutely necessary. There is no use in placing an Act on the Statute Book without the public knowing when that Act is going to be enforced. Though it may not be their intention and that sort of allegation may not be right in their case, yet the public is justified to a little extent in thinking that the Government have brought this Bill just to allay public opinion and that they have no intention to put it into force.”

MR. PRESIDENT:—“Ever putting into force!”

* ABDUL LATIF FAROOKHI SAHIB BAHADUR:—“There is no time limit. It can be put off for any number of years to come. I do not want that the Race Club should suffer very heavily on this account. They can be told that by the beginning of next year, we are going to stop racing. They can mention the date and the public will also be satisfied with it.”

DR. V. K. JOHN:—“I suggest 1st of April.”

MR. PRESIDENT:—“If you suggest 1st of April, you must take the credit.”

* ABDUL LATIF FAROOKHI SAHIB BAHADUR:—“Sir, the Race Club has been doing a very great injury to the public. Mr. Muthuranga Mudaliyar has pointed out that they have given large donations for public utility purposes. But I ask, whose money

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have they given? It is something like robbing Peter and paying Paul. Sir, it is argued that 25 lakhs of rupees will be lost to the Government if they stop racing. When the Government was bold enough, was strong enough and morally courageous enough to lose eighteen crores of rupees by the introduction of Prohibition, they can very well afford to lose 25 lakhs of rupees. I do not think that the Government would incur any loss by this legislation. There are large sums of money with the Race Club. Government can freeze this money. The Government can requisition all the buildings and divert them to other purposes. As there is the housing shortage in the city and as the Race Club is near the Guindy Railway Station, all these buildings and lands can be utilised for house-building purposes. People who are now left homeless can be accommodated there and rent can be collected from them. That will serve a great national purpose. I am certain that if the Government give contract for those lands, many people will come forward to pay even fifty lakhs of rupees to the Government annually. Therefore, it is not a question of revenue being lost. It is only a question of taking courage in both hands and putting this Bill into effect as early as possible. I think the Government have earned the gratitude of the public of this province by the introduction of this Bill and if this is passed into law, it will be a red letter day in the history of the province and it will go a great way to give a lead to the whole of India and through this great land to the whole world. With these words, I support the Bill."

* THE HON. DR. T. S. S. RAJAN :—" Sir, generally I never interfere in these debates although I can do so if I want. But my hon. Friend Dr. John provoked me into speaking today by his very incisive speech in which he began to dilate upon the moral virtues of human beings."

MR. PRESIDENT :—" I just want to say one word. As there are some more Bills to be taken into consideration to-day and as I do not want them to be left over for to-morrow, I request the Hon. Minister to finish his speech very soon. Also, I want the co-operation of the hon. Members in this matter."

THE HON. DR. T. S. S. RAJAN :—" I will not take much of the time of the House.

" I was not able to follow Dr. John very clearly in his conclusions. Whatever it is, the Government ought not to be penalised for not creating virtues. As a matter of fact, the Government do not claim that this Bill is going to create virtues. There is nothing of the sort in the Bill. This Bill is purely meant to remove the incentive for betting on the part of the poor people. It is to save those people who, for no fault of their own, fall victims to this evil that this Bill is intended. Often, people who do not know what a race is, the kind of horses that are running there and how they run and who never go near the Race Course, indulge in betting even in the open street. This Bill will benefit those people.

[~~Imbaddi~~ [Dr. T. S. S. Rajan]] [25th January 1949]

"Sir, I was myself taken to the race course one day—as many others were taken there—and I have witnessed racing."

MR. PRESIDENT :—"We saw the picture in the papers."

* THE HON. DR. T. S. S. RAJAN :—"No, Sir. One day I was taken to the race course by the Secretary of the Race Club. I was very much impressed at the way the horses run at such a terrific speed. Seven or eight horses are made to run at such a high speed. While the horses were running, I saw the terrible excitement caused by it among the people witnessing the racing. I did not know why there was excitement. At the end, I saw people rushing and exchanging currency notes. Those people included both men and women. I did not know why these people should make such a fuss over it. Sir, I really wondered why so much money should be spent on this racing. At last, I returned home a disappointed man. Also, sometimes these horses were made to drink whisky or beer so that they can run fast at such a terrific speed. So, I felt that this form of torturing the animal should be stopped. We can never encourage the breeding of horses by such a method."

DR. V. K. JOHN :—"Does the Hon. Minister remember that horses enjoy racing?"

THE HON. DR. T. S. S. RAJAN :—"I do not think that horses enjoy racing. Again, I say, Sir, this Bill is mainly intended to save these poor innocent people who, by betting, lose money and take loan from their neighbours and thus create nuisance not only to them but also to the society as well. We can put an end to all these things only by stopping these races. Certainly, we have no objection to the running of horses but it should not go with betting. It is only on that aspect, purely on the social aspect, in which the society has got to suffer from this pernicious evil that we thought it fit to bring this Bill before this House. It is not for creating virtues but for preventing people from indulging in this gambling business that we have brought this measure. I have no doubt that the result accruing from this measure will be as good and beneficial as Prohibition is in our province and Dr. John also endorsed the view that Prohibition was a beneficial thing. With these words, I close my speech."

4-15
p.m.

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—"Sir, I rise to congratulate the Government on introducing this Bill. I would like to say that it is very belated. In fact we have been urging for the introduction of such a measure from 1946 onwards. I remember when the first Budget was introduced in August 1946 in this House while pleading for Prohibition I also urged the introduction of prohibition of betting on races after the introduction of Prohibition. It is also not proper to say that public opinion in the province is against the Bill. I would like to point out that betting on horses is one of the vices introduced by the foreigner into this country and when the race course at Guindy was about to be introduced, there was a great deal of agitation against it and

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the then Governor of Madras said that in order to make people virtuous there must be temptation to train them to withstand those vices. I remember that quite distinctly. From the beginning, even before the introduction of this vice, the people of this province have been expressing themselves against it and I even thought that the introduction of this Bill should have synchronized with the exit of the foreigner from this land, that is, soon after the 15th August 1947. Now that the Government have brought forward this measure, I gladly welcome it. It is no doubt true that this horse racing has been the cause of the ruination of thousands of families. On more than one occasion we have seen hundreds of people in the verandahs of this building waiting to know the result of the previous Bill for the prohibition of horse racing and they have come to me on so many occasions urging that betting on horses should be banned altogether. So, there is no truth in the statement that public opinion is against the Bill. On the other hand, there has been a uniform and persistent demand for such a measure in this province for the last so many years. It has very often been said that the industry of horse breeding will be very much affected. And, even a former Minister of the Congress Cabinet said on a former occasion that we will not be getting any thorough-breds in this country. I am yet to know the existence of any connexion between the horses that compete in races and the ones that are available for use by the people. I do not think there is any force in the argument that the breeding of horses will be considerably affected by the abolition of betting on horses.

"Then, Sir, in regard to income from this source, I would point out that just as the income from the vice of drinking is tainted money, so also any money derived from the betting evil is also tainted money, whatever may be the amount. So, Sir, Government ought not to think of getting even a single pie which is derived from the miseries of the people of the land.

"Again, Sir, it is said that it is an amusement. I may point out in this connexion that there are ever so many kinds of amusements in the land and people had amusement and relaxation for thousands of years and centuries in this land even before the introduction of horse racing and consequent betting on that. I submit these are not reasonable arguments but somehow or other they have been advanced. In this connexion I would refer the Hon. Leader of the Opposition to the oft-quoted words of Lord Tennyson 'Freedom bound is freedom gained'. It is therefore no use repeating time and again that the freedom of the individual is subject to so many other factors. For instance, even in the new Constitution the fundamental rights are subject to so many restrictions.

"Now, Sir, coming to the Bill itself I would like to refer to one or two points. In regard to clauses 3 and 5, I should think that the first proviso requires some modification. It is stated therein that the section does not apply to any newspaper so far as horse racing outside the Province of Madras is concerned. I would

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submit that any newspaper published in this Province should be prohibited from publishing information regarding horse races which take place even outside the Province of Madras. If you allow local newspapers to publish such information it will lead to the continued existence of these bucket shops and give an incentive to people to resort to bucket shops in a stealthy manner. I do not think there is any harm in preventing the publication in our newspapers of information relating to horse races outside the Province of Madras.

"In regard to the second proviso also, I would urge the removal of the first exception. Of course, you may allow the Race Club to publish the information that is necessary for the members of the Race Club, but why should that be published in the newspapers. The information that is required only for the use of members of the Race Club if published in the local newspapers will again be an incentive to people to resort to bucket shops in a stealthy manner.

"I would therefore suggest that these two modifications may be made by the Government. Further, Sir, a suggestion has been made in some quarters that just as in Bombay where a time-limit of five years has been given for the abolition of the race course, this Government may also give such a long period of time to the Race Club to wind up. I think that is not necessary, nor is it reasonable. My point is that when once you decide upon the abolition of the race course it must be given effect to immediately. I would urge that immediate effect be given to the abolition of betting on races.

"Again, Sir, it has been argued, the Race Club has invested a large amount of money on the business. But, it must be pointed out that the question of the abolition of betting on horses has been before the public ever since 1946 and so I should say that they had sufficient notice of the intention of the Government in regard to the proposed abolition of betting on horses. But, as a kind of temptation to the Government to postpone this measure the Race Club has been subscribing large sums of money to the Provincial Welfare Fund and other such funds. It was also urged on the Floor of the other House that because the Government and public funds have been receiving moneys from the Race Club, you should not abolish that. That is no argument at all. As I said in the beginning, such donations should not be accepted because it is tainted money and even though it is offered it should not be accepted. At any rate, these should not be the grounds for the postponement of a measure of this kind. I would therefore urge on the Government to see that full effect is given to the objects of this measure as soon as possible and without any compunction at all. If they do so, they will be earning the gratitude of millions of families who have been suffering under this great evil for so many decades past."

* THE HON. SRI M. BHAKTAVATSALAM :—"Sir, with all my respect to the Hon. Leader of the Opposition, I do not take

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seriously his curious arguments against the Bill, because he has not been able to take his own following with him. Although he expressed so strongly against the provisions of this Bill he has been very effectively answered by his own following and other hon. Members of this House. Therefore I would not attempt at answering seriously his arguments, whether they were serious or not.

“ My hon. Friend, Mr. Suryanarayana Rao, first complained that the clause relating to definition is not to come into effect immediately the Bill becomes law, but in the end he also pleaded for going slow. Regarding the criticism against the clause relating to the definition, I may point out that this Bill seeks to amend the definition contained in two of the existing Acts and if that definition is to come into effect immediately the prevention of betting also is to come into effect immediately, but as I have said before there are practical difficulties in bringing into effect that provision immediately. We are in the midst of the racing season and the Race Club has its own interests. If the Bill is passed into law today and the Governor's assent is to be received tomorrow, automatically all these should come into force. Then that will lead to a lot of difficulties which would seriously affect the interests of the Club. Therefore, we have introduced this provision that Government would issue a notification announcing the date when those provisions are to come into force, but I can point out that there is no mental reservation behind the Government and there is no idea of simply passing the legislation in order to satisfy public agitation and then continuing the races indefinitely. I would also wish to point out that it is not correct to say that the Ministers are not of one mind. Sir, time has not yet come for the Ministers to take a decision as to the date when the provisions of this Bill are to come into force. As a matter of fact, even in the Bill as originally drafted, there was this proviso, namely, that the Government is to issue a notification announcing the date. On any question, the Ministers may have their own views but then they meet for considering and taking a decision and when they take a decision, the Ministers will have only one mind and not different minds, and there is joint responsibility. It is not yet time for Ministers to express their views, but I can assure the House that as soon as this Bill is passed into law the Ministry would consider the date when it should come into force and when they take a decision they will announce the date and I can also give this assurance to the House, that it will not be a long lease of life for betting. There is no question of the curtailment of individual liberty. I have no doubt the House will agree that there should be no unrestricted individual liberty which would affect not only the individual but also the society.

“ I wish once again to say that it is too late in the day to argue that betting and gambling should continue. My hon. Friend sitting opposite referred to clauses relating to the publication of news in newspapers. I may at once point out to him that there are practical difficulties in differentiating between newspapers of this Province and newspapers coming from other Provinces. Newspapers from other Provinces reach this Province within two or three

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hours by air and there are also newspapers which are published on the borders of this Province and they mainly cater to that part of the Province. So, it is not practicable to make a distinction between newspapers in this Province and newspapers outside this Province. We have therefore provided that only news about races within the Province is to be banned.

"Again, my hon. Friend referred to the proviso about the publication of certain news items regarding races in the newspapers. I have already stated that we are not against racing as such.

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"It might be possible to continue racing and just as any other sport, racing also might continue and exist as a sport and it would not be right to ban publication of news items relating to sport, even relating to races in the newspapers. That is why we have introduced that provision. I can once again assure hon. Members of the House who are afraid that the Government would give an unduly long lease of life to betting that this Government would take a decision and it will not be a long lease of life to betting. There is no question of distinctions between the rich and the poor but it is a question of saving people who cannot afford to ruin themselves and it is in that spirit that the Government have brought forward this measure and I do hope that the House would unanimously vote for the motion."

MR. PRESIDENT:—"The question is—

'that the Madras City Police and Gaming (Amendment) Bill, 1948 (L.A. Bill No. 10 of 1948) as passed by the Legislative Assembly be taken into consideration at once'."

The motion was carried and the Bill was taken into consideration.

Clauses 2, 3, 4, 5 and I and the preamble were each separately put and carried.

THE HON. SRI M. BHAKTAVATSALAM:—"Mr. President, I move—

'that the Madras City Police and Gaming (Amendment) Bill, 1948, be passed into law'."

MR. PRESIDENT:—"The question is—

'that the Madras City Police and Gaming (Amendment) Bill, 1948, be passed into law'."

The motion was carried and the Bill was passed into law.

V.--MOTION UNDER RULE 15 (3) OF THE COUNCIL RULES.

THE HON. DR. T. S. S. RAJAN:—"Mr. President, Mr. Chandramouli has to move item 5, the Madras Municipal and Local Boards (Amendment) Bill, 1948. I want it to be taken here immediately now and I want the permission of the House to alter the order of business."